IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 1539 of 2005

Between:

Md. Ayub, S/o. Taruddin,
R/o. Tummanpet Village, Balmoor Mandal, Mahaboobnagar

District

... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Mahaboobnagar,

Mahaboobnagar District.
2 The Motor Vehicle Inspector, Kalwakurthy, Mahaboobnagar

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Reg.No. AP-24-U-9678 vide Check report No. 178006 dt. 3-1-2005, as illegal, improper, arbitrary, unreasonable, violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondent to release the vehicle bearing Reg.No. AP-24-U-9678 belonging to the petitioner, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.A.VISHNU VARDHAN REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the second respondent in seizing and detaining the petitioner's vehicle bearing Regn.No.AP-24-U-9678 vide Check report No.178996 dated 03-01-2005 as illegal and arbitrary.

2. Petitioner claims that he is the owner of the vehicle bearing Reg.No.AP-24-U-9678 and that his vehicle was seized vide Check Report No.178996 dated 03-01-2005 for violation of certain conditions of the Motor Vehicles Act and the Rules framed thereunder.

3. Whether the petitioner violated the conditions of the Motor Vehicles Act and the Rules framed thereunder, have to be gone into and decided by the competent authority. In the meanwhile, it is not desirable to keep the vehicle idle and exposed to sun and rain causing damage to the vehicle. Therefore, the first respondent is directed to release the petitioner's vehicle bearing Reg.No.AP-24-U-9678 on the following terms and conditions.

1. *that petitioner shall not alienate or transfer the vehicle.*
2. *that petitioner shall not remove the spare parts of the vehicle.*
3. *that petitioner shall produce the vehicle as and when required before the competent authority.*
4. *that petitioner shall pay the taxes due, if any, as on today.*
5. *that petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

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K.C. BHANU, J

February 3, 2005

NOTE: Furnish copy by wire at partys' costs.

(B/o)

MRR

Copy to:

1 The Secretary, Regional Transport Authority, Mahaboobnagar,

Mahaboobnagar District.
2 The Motor Vehicle Inspector, Kalwakurthy, Mahaboobnagar

District.

3 Two C.C. s to the G.P. for Transport, High Court Buildings,

Hyderabad (OUT)

4 Two C.D. Copies.